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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,079	07/06/2001	Kirstan Anderson Vandersluis	XAW-0102	5848

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Law Offices of Dale B. Halling
Suite 311
24 South Weber St.
Colorado Springs, CO 80903

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,079

Applicant(s)

VANDERSLUIS, KIRSTAN
ANDERSON

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15 and 17-29 is/are rejected.
- 7) ☒ Claim(s) 12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is in response to amendment filed 04/19/04.

1. Response to Arguments (04/19/04).

Applicant's arguments filed 04/19/04 have been fully considered but they are not persuasive.

Applicant argues: as result HTML combines a tag with data however the tag explains how the data is presented on a computer screen, not the context of the data as used by Blinn. In response, Blinn clearly discloses: a hierarchical data schema is a scheme that groups data and its context as the main.html page may include an index to store departments as well as links to important store information. Moreover, a dept.html page presents a list of store departments and a product.html page presents product information, such as an image and textual description, see also col. 7, lines 53-67.

Applicant argues: Blinn shows that he never mention XML or extensible markup language, blinn does not have an XML template. In response, Blinn's HTML is extensible markup language see col. 11, lines 36-56.

Applicant argues: Blinn doesn't discloses: wherein the first and the second hierarchical data scheme are selected from the group of: extensible markup language schemes, relational databases, non-relational databases, extensible markup language databases and self-describing databases. In response, Blinn clearly discloses: wherein the first and the second hierarchical data scheme are selected from the group of: extensible markup language schemes, relational databases, non-relational databases, extensible markup language databases and self-describing databases (col. 13, lines 46 to col. 14, lines 14, Blinn).

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 13-15, 17-23 and 25-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Blinn et al. (U.S 5897622) (Blinn).

Regarding claim 1, Blinn discloses: A system for converting data in a first hierarchical data scheme into a second hierarchical data scheme, comprising:

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a template defining the second hierarchical data scheme, wherein a hierarchical data schema is a scheme that groups data and its context (col. 7, lines 42-67, Blinn);

a dynamic data generation module contained in the template (125, fig. 3B and corresponding text, Blinn); and

a data source (121, fig. 2 and corresponding text, Blinn), in communication with the dynamic data generation module (125, fig. 3B and corresponding text, Blinn), containing data in the first hierarchical data scheme (126, fig. 3B and corresponding text, Blinn).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Blinn discloses: wherein the template and the dynamic data generation module are contained in a server (120, fig. 2 and corresponding text, Blinn).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2. In addition, Blinn discloses: further including a driver connected between the dynamic data generation module and the data source (107, 109, fig. 1 and corresponding text, Blinn).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Blinn discloses: wherein the template is a static extensible markup language document (col. 11, lines 36-56, Blinn).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Blinn discloses: wherein the template is an extensible markup language document type definition (col. 14, lines 36-61, Blinn).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Blinn discloses: wherein the template is an extensible markup language schema (126, fig. 2 and corresponding text, Blinn).

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Regarding claims 8 and 9, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Blinn discloses: wherein the first and the second hierarchical data scheme are selected from the group of: extensible markup language schemes, relational databases, non-relational databases, extensible markup language databases and self-describing databases (col. 13, lines 46 to col. 14, lines 14, Blinn).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Blinn discloses: wherein the dynamic data generation module includes a query directed to the data source (col. 10, lines 6-42, Blinn).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Blinn discloses: wherein the dynamic data generation module includes a data mapping between the first hierarchical data scheme and the second hierarchical data scheme (fig. 4 and corresponding text, Blinn).

Regarding claim 13, most of the limitations of this claim have been noted in the rejection of claim 1. In addition, Blinn discloses: a) publishing a dynamic template in a server (col. 9, lines 14-54, Blinn);

b) receiving an instruction from a client at the dynamic template (col. 9, lines 55 to col. 10, lines 42, Blinn);

c) executing the dynamic template (col. 9, lines 55-66, Blinn); and

d) when a dynamic data generation module is executed, performing a data transfer operation that converts data in the first hierarchical data scheme into the second hierarchical data scheme (fig. 4 and corresponding text, Blinn).

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Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Blinn discloses: wherein step (a) further includes the steps of:

- al) receiving a template (col. 9, lines 14-54, Blinn);
- a2) determining for each element of the template if dynamically generated data is required (col. 10, lines 6-42, Blinn);
- a3) when the dynamically generated data is required, receiving a data source for obtaining the dynamically generated data (col. 11, lines 35-55, Blinn).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Blinn discloses: further including the steps of:

- a4) receiving a data mapping between the first hierarchical data scheme and the second hierarchical data scheme (fig. 4 and corresponding text, Blinn).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15. In addition, Blinn discloses: further including the step of" a5) receiving a key associated with the data mapping (col. 12, lines 8-34, Blinn).

Regarding claims 18 and 26, all the limitations of these claims have been noted in the rejection of claims 14 and 15 above. In addition, Blinn discloses: repeating steps (b) through (d) for every element of the static extensible markup language template to form a dynamic data conversion program (fig. 4 and 7 and corresponding text, Blinn).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 18 above. In addition, Blinn discloses: wherein step (a) further includes the step of receiving a template selected from the group including: an extensible markup language document

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type definition and an extensible markup language schema (col. 8, lines 53 to col. 9, lines 13, Blinn).

Regarding claims 20 and 27, all the limitations of these claims have been noted in the rejection of claims 14 and 15 above, respectively. In addition, Blinn discloses: wherein step (a) further includes the step of:

al) defining an input parameter (col. 7, lines 53-62, Blinn).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Blinn discloses: wherein step (c) further includes the step of:

c l) receiving a driver (col. 8, lines 1-16, Blinn).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Blinn discloses: wherein step (c) further includes the step of:

c l) generating a query to the data source (col. 8, lines 1-52, Blinn).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Blinn discloses: wherein step (d) further includes the step of:

dl) receiving a screen having a list of elements from the data source and a list of metatags from the static extensible markup language template (col. 8, lines 53 to col. 9, lines 54, Blinn).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Blinn discloses: further including the steps of:

e) publishing the dynamic data conversion program to a server (col. 8, lines 53 to col. 9, lines 54, Blinn);

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f) when a query is received at the server for the dynamic data conversion program, executing the dynamic data conversion program to form an extensible markup language document (col. 11, lines 35-56, Blinn).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 26 above. In addition, Blinn discloses: wherein step (d) further includes the steps of:

d2) generating a query (col. 10, lines 18-42, Blinn);

dl) receiving a query type (col. 10, lines 18-42, Blinn).

Regarding claim 29, all the limitations of this claim have been noted in the rejection of claim 28. In addition, Blinn discloses: wherein step (dl) further includes receiving an insert query type (col. 9, lines 14-32, Blinn).

4. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. (U.S. 5897622) (Blinn) in view of Jamtgaard et al (U.S. 6430624) (Jamtgaard).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. However, Blinn didn't disclose: further including a developer module contained in the server for creating the dynamic data generation module. On the other hand, Jamtgaard discloses:

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further including a developer module contained in the server for creating the dynamic data generation module (col. 5, lines 17-25, Jamtgaard). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a template is an extensible markup language document type definition in the system of Blinn as taught by Jamtgaard. The motivation being to enable the user uses different data types to convert the information between templates, so it can be easily shared between data sources.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. (U.S. 5897622) (Blinn) in view of Povilus (U.S. 5740425).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 18 above. However, Blinn didn't disclose: wherein step (c) further includes the step of: displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color. On the other hand, Povilus discloses: wherein step (c) further includes the step of: displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color (col. 32, lines 45-67, Povilus). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color in the system of Blinn as taught by Povilus. The motivation being to enable the users clearly see the different elements in the templates and easily for mapping information when converting the information between templates, so it can be easily shared between data sources (col. 32, lines 42-67, Povilus).

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Allowable Subject Matter

Claims 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a system and method for converting data in a first hierarchical data schema into a second hierarchical data schema comprising: wherein the developer module contains a wizard that walks a user through a process of creating the dynamic data generation module as recited in claim 12.

The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a system and method for converting data in a first hierarchical data schema into a second hierarchical data schema comprising: creating a second data mapping between the intermediate extensible markup scheme and the second hierarchical data scheme as recited in claim 16.

7. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
May 10, 2004

WAMS

WAYNE AMSBURY
PRIMARY PATENT EXAMINER